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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,178	07/15/2003	Riccardo Roschi	2149-174	4981

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EXAMINER

BRINSON, PATRICK F

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,178

Applicant(s)

ROSCHI, RICCARDO

Examiner

Patrick F. Brinson

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 12, 15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) 5-10, 13, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/15/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter recited in claim 15 regarding "steering means" must be shown or the feature(s) canceled from the claim(s). Likewise the recited structure of claim 17 is not shown in the figures. No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the

remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 16 is objected to because of the following informalities: Claim 16 recites the resilient means are "associated with the elements of the articulated joint during the process for moulding of the latter". It is not made clear what "associated with" means. Also "the process for moulding the latter" is recited without proper antecedent basis, wherein a process for moulding has not previously been recited and wherein it has not previously been recited that the joint is moulded. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 1,560,789 to **Johnson et al.**

The patent to **Johnson et al.** discloses a hose holder including an articulated joint including a plurality of axially hollow modular elements, fig. 4, each comprising a male end (16) having a substantially spherical head inside the female end of the second modular element, coupling means (17 and 18) for joining the elements to each other. The coupling means retains the male end inside the female end of the second modular element. Resilient means, spring (22) in connection with at least two adjacent modular elements, being deformable resiliently under the action of a force with rotation of a modular element with respect to an adjacent modular element, as shown in fig. 3, and consequent variation in configuration of the joint from straight to curved and resilient return to the straight configuration when the force ceases to act. The resilient means is a single spring that extends along all the elements of the joint and is constrained to at least two elements of the joint, as recited in claim 17. Col. 1, lines 39-44, discloses that the resilient element being tensioned when it is flexed, and it operates to automatically return all of the parts including the hose to normal position when it is released. Two terminal ends of the joint are provided at their ends with two cylindrical portions which can be associated with two tubes (12) and 14). In regard to limitations recited in claims 15 and 18-20 as to the hose utilized as a household

appliance, **Johnson et al.** discloses the hose to be utilized as an air hose at gas stations for example, for filling tires, and not as a vacuum cleaner hose or electric brush, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

5. Claims 1-4, 11, 12, 15 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 1,153,187 to **Berry**.

The patent to **Barry** discloses an articulated joint including a plurality of axially hollow modular elements (C, D, E), figs. 1 and 2. Each modular element including a male end and a female, coupling means, flanges (P and Q) for joining the elements to each other. The coupling means retains the male end inside the female end of the second modular element, as recited in claim 2. Resilient means (O and N) are disclosed as being in connection with at least two adjacent modular elements, being deformable resiliently under the action of a force with rotation of a modular element with respect to an adjacent modular element, as shown in figs. 3, and consequent variation in configuration of the joint from straight to curved and resilient return to the straight configuration when the force ceases to act. The springs are aligned with each other, as recited in claim 11 and they are metal springs, having a first end constrained to a first modular element and a second end constrained to an adjacent

modular element, as recited in claim 12. Page 2, col. 1, lines 42-49, discloses that the parts are normally maintained in a contracted relation by means of the springs. The two terminal elements of the joint are provided at their ends with two cylindrical portions that are associated with two tubes (A and B). In regard to limitations recited in claims 15 and 18-20 as to the hose utilized as a household appliance, **Berry** merely discloses the device as a flexible joint and does not disclose its use with any particular device, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Allowable Subject Matter

6. Claims 5-10, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Reynolds, McBurney, Baumer et al., Houga, Stelle, Lieser, Stuemky et al., O'Brien, Schoff, Thayer, Kuo et al, Banks, and Japanese '489 reference are all pertinent to Applicant's invention in disclosing flexible ball and socket joints.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (703) 308-0111. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, reading "Patrick F. Brinson". The signature is written in a cursive, flowing style with a large initial "P" and "B".

Patrick F. Brinson

Primary Examiner

Art Unit 3752

P. F. Brinson

June 25, 2004